

Amendment Under 37 C.F.R. § 1.111
USSN 10/088,757
PCT/AU01/00180
Attorney Docket Q68693
June 14, 2004

REMARKS

Claims 1-7 are all the claims pending in the application.

In the last Office Action the title, specification and Abstract were objected to as to form. A new and more descriptive title has been presented, appropriate headings have been added for the various sections of the application and a new Abstract of the Disclosure in proper form has been submitted on a separate sheet.

In the last Office Action Claims 1 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lovitt (USP 6,112,437) in view of Trattner et al. (USP 5,463,537). Claims 2-5 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lovitt and Trattner and further in view of Evanyk (USP 5,033,212). Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Claim 1 is specific to a flashing device which comprises a wearable band having means for sensing movement of the band and generating a trigger signal in response to the movement. Circuit means are provided which are responsive to the trigger signal to generate an illumination signal and at least one light which is illuminated in response to said illumination signal. Claim 6 further calls for the at least one light including LEDs distributed along the band.

The patent to Lovitt describes a display panel having a series of individual frames 30, Each of which carries an image that is illuminated by a corresponding light source 16. The light sources 16 are controlled to sequentially illuminate the frames and thereby present an animated display. The light sources are sequentially activated by a circular module 20. The animated

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sequence can be triggered by a switch when the shoe wearer takes a step. Movement of the wearer therefore causes initiation of the animated display. It does not cause the panel to flash and the device cannot be considered to constitute a flashing device as is the case for the wearable band of the present invention. In particular there is no disclosure or suggestion of a device as recited in claim 2 that can be worn on a user's head, neck, waist or arm whereby the movement of the user causes the light to flash. Also, even though Lovitt mentions that the display sequence can be triggered by "a motion switch that initiates presentation of the animated display each time the shoe wearer takes the step or some other triggering means can be used, there is no specific disclosure or mention of how the display panel shown in Figures 4-6 would incorporate means for sensing movement of a wearable band.

In view of the shortcomings of the teachings of Lovitt, more specifically failing to disclose a flashing device, it was proposed to combine the teachings of Trattner with the teachings of Lovitt. Although, Trattner describes a flashing device that comprises a light housing with a clip mechanism 8 that allows the device to be attached to a shoe, Trattner does not disclose or suggest a flashing device comprising a wearable band whereby movement of the band triggers illumination of a light. It is submitted that it would not be obvious to one skilled in the art to combine the teachings of trattner with the teachings of Lovitt since there is no suggestion in Trattner or Lovitt that the arrangement in circuitry described could be incorporated into a wearable band.

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With respect to the rejection of Claims 2-5 and 7 as being unpatentable over Lovitt and Trattner and further in view Evanyk it is submitted that the flashing lights of Evanyk operate on a different principle and it would not be obvious to combine the teachings of Evanyk with the teachings of Lovitt and Trattner. Evanyk discloses incorporation of flashing lights into a band or strap but the flashing appears to be continuous once the circuit is switched on. There does not appear to be any disclosure or suggestion in Evanyk of means for sensing movement of the band and generating a trigger or signal in response to the movement to then cause illumination of the light.

In view of the foregoing distinctions and arguments it is submitted that it would not be the least bit obvious to combine the teachings of Trattner and Evanyk with the teachings of Lovitt to meet the invention as defined in the claims of the present application. Therefore, it is respectfully requested that Claims 1-7 inclusive be allowed and the application passed to issue forthwith.

If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issue, the Examiner is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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